

REMARKS

Applicants appreciate the time taken by the Examiner to review the Present Application. This Present Application has been carefully reviewed in light of the Official Action mailed December 12, 2003. Applicants are canceling claims 2, 4, 5, 7, 10, 13, 15, 17, 18, 20, 23, and 25-33, amending claims 1, 8, 9, 14, 16, 21, and 22, and adding claims 34-48. Applicants respectfully submit that the amendments do not add new matter to the current Application. Applicants respectfully request reconsideration and favorable action for the present Application.

Election/Restriction

The Office Action has made the restriction requirement final. Applicants are canceling claims 26-33 as corresponding to a non-elected species in response to the restriction. Applicants note that although they are canceling the claims, they are not abandoning the invention defined by those canceled claims.

Rejections under 35 U.S.C. § 103

Applicants respectfully request the withdrawal of the rejection of claims 1-25 as being obvious over U.S. Patent No. 5,783,082 (DeSimone). Each of claims 1 and 14 includes a method comprising flowing the supercritical fluid to a separator that lies at an elevation lower than the chamber. If any more of the contaminant would condense or form a separate phase after leaving the separator or within the chamber, gravity may help to pull the contaminant back to the separator because the separator at an elevation lower than the chamber. DeSimone addresses separation but is silent on details about how the contaminant is separated from a CO₂ fluid. DeSimone does not teach or suggest placing a separator at an elevation lower than the chamber, and therefore, the Office Action does not establish a prima facie case of obviousness. Applicants respectfully submit that claims 1-25 are not obvious over DeSimone.

Claims 1 and 14 include the limitations from originally submitted claims 7 and 20, respectively. The separating limitation was in originally submitted claims, and therefore, the portion of amended claims 1 and 14 that include the separating limitation are no narrower than originally submitted claims 7 and 20. Applicants respectfully submit that the separating limitations within amended claims 1 and 14 should be given a full range of equivalents for infringement determination purposes. Claims 8, 16, and 21 are amended to correct for proper dependency.

Claim 14 has been amended so that the contaminant overlies the substrate. "Substrate" is an ambiguous term as it may refer to (1) everything present over a base material at a particular point

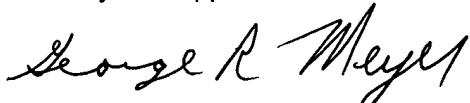
in a process or (2) only those layers or other features that will be permanently retained starting at the particular point in the process. The particular point in the process is typically from the perspective of the beginning point of a claimed process. As used in original claim 14, "substrate" was meant to be interpreted under the first meaning. However, to reduce confusion or an unintended claim interpretation, the amendment of claim 14 was made. Applicants submit that the amendment to claim 14 regarding the contaminant overlying the substrate does not narrow the scope of the claim, and therefore, that limitation of amended claim 14 should be given the full range of equivalents.

Applicants have now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of currently pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

Enclosed is a check for \$86.00 for additional claims presented for examination. The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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Date: March 12, 2004

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